

## **REMARKS**

This amendment is intended as a full and complete response to the non-final Office Action dated February 13, 2006. Claims 1-27 are pending in this application. In the Office Action, Claims 12-23, 26 and 27 were indicated as being allowable, Claims 1, 24 and 25 were rejected, and Claims 2-11 were objected to. By this amendment, Claims 1, 10, 12 and 19 have been amended, new Claims 28-30 have been added, and Claims 3-9, 11, 13-18 and 20-27 continue unamended.

In view of both the amendments presented above and the following discussion, it is submitted that none of the claims now pending in the application are anticipated under 35 U.S.C. § 102. Thus, it is believed that all of these claims are now in allowable form.

## **OBJECTIONS**

### **A. Allowable Subject Matter:**

The Examiner has objected to Claims 2-11 as being dependent upon a rejected base claim. The Examiner concludes that these claims would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

The indication of the allowable subject matter with respect to these claims is acknowledged. However, in view of the amendments and discussions set forth herein, it is believed that base Claim 1 and all intervening claims are in allowable form and, as such, the dependent Claims 2-11, as they stand, are therefore in allowable condition. Therefore, withdrawal of the objection to Claims 2-11 is respectfully requested.

### **B. Telephone Conference with the Examiner:**

On Thursday, March, 9 2006, the Applicants' representatives, Joseph J. Catanzaro and Steven M. Hertzberg conducted a telephone interview with the Examiner to discuss proposed amendments to the claims. The Examiner and Applicants' representatives discussed proposed amendments to independent Claims 1, 12 and 19, as well as new Claims 28-30. During the interview, it was agreed that the proposed amendments to these claims, as well as the new claims, should overcome the rejections in view of the cited prior art.

## REJECTIONS

### 35 U.S.C. § 102:

Claims 1, 24 and 25 have been rejected under 35 U.S.C. § 102 with regard to U.S. Patent No. 3,322,378 to Thompson. The rejection is respectfully traversed.

Independent Claims 1, 12 and 19 have been amended to further clarify the inventive features. In particular, Claim 1 (and similarly, independent Claims 12, 19 and new independent Claim 28) recites:

“A restraining arrangement for limiting the separation between a feed table having a pivot pin mounted thereto and a positioner block of a mobile track drill, the arrangement comprising:  
a first constraint device secured to the positioner block; and  
a second constraint device fixedly secured to the feed table and configured to receive and retain the first constraint device, such that the second constraint device is rotatable relative to the first constraint device.” (Emphasis added).

Support for the amendment can be found in the specification and drawings of corresponding US patent application publication No. 20050051364. In particular, FIG. 3 and the corresponding text on page 3, paragraph [0039] of the specification provides that “the second constraining device 116 includes a pair of female constraint members 138 mounted to the lower support wall 58 of the support beam 52.” Accordingly, it is submitted that the amendments to the claims do not add any new subject matter.

As a preliminary matter, we believe that it would be helpful to review the appropriate standard under 35 U.S.C. § 102 for analyzing the features of a claim with respect to the prior art. It is well settled that “[a]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim” (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)(citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). The

cited reference fails to disclose each and every element of the claimed invention, as arranged in the claim.

The US patent No. 3,322,378 to Thompson (hereinafter “‘378 patent”) fails to teach, or even suggest, “a second constraint device fixedly secured to the feed table and configured to receive and retain the first constraint device, such that the second constraint device is rotatable relative to the first constraint device.” Referring to FIGS. 3 and 4 of the ‘378 patent, the pillow block members (first constraint device) 24 is mounted to the top surfaces of the side members (positioner) 22. Each pillow block member 24 includes a bore 26 for receiving and supporting coaxial cylindrical end portions 28 of the gimbal 30. The gimbal member 30 comprises the aforementioned cylindrical end portions 28 and an intermediate portion separating and rigidly securing the cylindrical end portions 28, and having a traverse bore 32 therethrough with an axis normal to the axis of the cylindrical end portions 28.

An elongated upwardly extending trunnion member 34 comprises an elongated square tubular member 36 and a pair of generally rectangular flat plate mounting members 38 and 39. The lower mounting member 39 is aligned with rectangular flat plate mounting element 42. The lower mounting member 39 and mounting element 42 have aligned bores in their downwardly extending portions below the tubular element 36 and have captively secured therein a elongated cylindrical pin 43 extending through the bore 32 of the gimbal member 30, which pin 43 is rotatably received within the bore 32 so that the trunnion member 34 is universally pivotably secured to the frame 16 and the crawler support 14. (See ‘378 patent, col. 2, lines 29-70, and FIGS. 3 and 4).

The configuration of the block member 24 and side member 22 with respect to the gimbal member 30 and mounting member 39 is completely different from the configuration of the bushing 114 and the positioner 30 with respect to the fixed bracket 138 and the feed table 36. That is, the ‘378 patent fails to teach or suggest that the second constraint device (i.e., gimbal member 30) is fixedly secured to the feed table. Rather, the second constraint device rotates about the pin 43.

Further, the '378 patent fails to teach or suggest that the second constraint device (gimbal) receives and retains the first constraint device (pillow block member). Rather, the '378 patent discloses that the first constraint device receives and retains the second constraint device. Therefore, the '378 patent fails to teach or disclose each and every element of the claimed invention, as arranged in the claim.

As such, it is respectfully submitted that independent Claims 1, 12 and 19, as well as new Claim 28 are patentable under 35 U.S.C. § 102. Furthermore, Claims 2-11, 13-18 and 20-27, as well as new claims 29 and 30 depend, either directly or indirectly from independent Claims 1, 12, 19 and 28 and recite additional inventive features. As such, it is submitted that these dependent claims are patentable under 35 U.S.C. § 102. Withdrawal of the rejection is respectfully requested.

**Conclusion**

In view of both the amendments and discussion presented herein, it is respectfully submitted that the present Amendment responds to all of the issues raised in the Office Action. Thus, it is submitted that all of the pending claims are in condition for allowance. Accordingly, reconsideration of this application and its swift passage to issue are earnestly solicited.

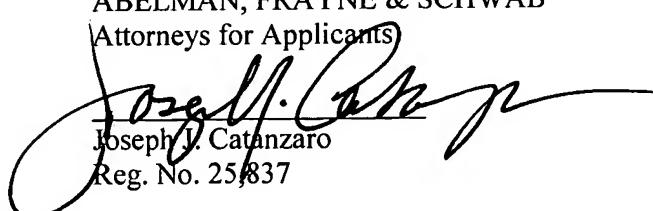
If, however, the Examiner believes that there are any unresolved issues in any of the claims now pending in the application, we respectfully request that the Examiner telephone Mr. Joseph J. Catanzaro at (212) 949-9022 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

The Commissioner is hereby authorized to charge any fees, or to credit any overpayment, due by reason of this Amendment to Deposit Account No. 01-0035.

All correspondence should continue to be directed to the address below.

Respectfully submitted,

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